

REMARKS

Response to Claim Rejections Under 35 U.S.C. §§ 112 and 101

As noted above, Applicants have amended the independent claims 1, 15 and 24 as suggested by the Office to overcome the rejections of claims 1-30 under 35 U.S.C. §§ 112 and 101.

Response to Double Patenting Objection

As noted above regarding the double patenting objection under 37 CFR 1.75, Applicants have canceled claim 37.

Response to Claim Rejections Under 35 U.S.C. §§ 102(a) and 103(a)

The current application under consideration was filed on August 9, 2004 and listed Lynette I. Hotchkiss as the sole applicant inventor. On March 11, 2005, a Request to Correct Inventorship under 37 CFR § 1.78 was filed in the Office, which added applicant inventors Timothy T. Green and Angela Cheek to the application. Included with the Request was a Statement from Each Inventor Added, a Declaration executed by all three inventors, and a processing fee under 37 CFR 1.17(i). Applicant inventor Green is a common inventor in the current application under consideration and U.S. Patent Application No. 10/249,784.

As noted above, the specification has been amended to include a first sentence that declares the present application as a continuation-in-part application of prior filed U.S. Patent Application No. 10/249,784, filed on May 7, 2003, which is a continuation-in-part of U.S. Patent Application No. 09/518,837, filed on March 3, 2000, as required under 35 U.S.C. § 120. Note that both previously filed applications and the current application under consideration are commonly owned by Mavent Holdings, Inc. In support of the specification amendment, included concurrently with this response are a fee set forth under 37 CFR 1.17(t) and a petition to accept an unintentionally delayed claim under 35 U.S.C. § 120, which includes a statement that the entire delay between the date that the claim was due under 37 CFR 1.78(a)(2)(ii) and the date that the claim was filed was unintentional.

As noted above, the priority date of the current application under consideration is derived from U.S. Patent Application No. 10/249,784, filed on May 7, 2003, which is a continuation-in-part of U.S. Patent Application No. 09/518,837, filed on March 3, 2000. Since the current application under consideration is a continuation-in-part of the cited patent publication of U.S. Patent Application No. 10/249,784, the cited reference is not available as an anticipatory reference under 35 U.S.C. § 102(a). Furthermore, the priority date of the current application under consideration pre-dates the priority date of the LaBonty et al. reference. Therefore, the rejections of claims 15-30 under 35 U.S.C. § 102(a) and claims 31-38 under 35 U.S.C. § 103(a) are mute.

SUMMARY

Applicants have made a diligent effort to place the claims in condition for allowance. Reconsideration and further examination are requested. However, should there remain unresolved issues that require adverse action, it is requested that the Examiner telephone Douglas D. Russell, Applicants' Attorney at 512-338-4601 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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